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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,306	10/04/2005	John Peter Johnson	18237.1	4679
22913	7590	10/27/2010	EXAMINER	
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			HOSSAIN, FARZANA E	
			ART UNIT	PAPER NUMBER
			2424	
			MAIL DATE	DELIVERY MODE
			10/27/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,306	<b>Applicant(s)</b> JOHNSON, JOHN PETER	
	<b>Examiner</b> FARZANA HOSSAIN	<b>Art Unit</b> 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/09/2010 has been entered.

### ***Response to Amendments***

2. This office action is in response to communications filed 09/09/2010. Claims 1-7 are cancelled. Claims 8, 12, 20 and 22 are amended. Claims 9-11, 13-16, 21 and 23 are previously presented.

### ***Response to Arguments***

3. Applicant's arguments filed 09/09/2010 have been fully considered but they are not persuasive.

Regarding Claims 8, the applicant argues that Eldering2 does not disclose interrogating the set top boxes with an individual IP address (Page 8). The applicant argues Eldering2 does not disclose profiles obtained from set top boxes (STBs) (Page 9). The applicant also argues that Eldering2 discloses transmitting advertisements to receivers but does not disclose transmitting multiple advertisements to a same target IP address for the same advertisement slot (Page 12). The applicant makes further comments about author's vision of a possible future cannot be used as already disclosing such a device (Page 9). The applicant argues that Eldering2 discloses a single set top box to watch different advertisements and sent to different subgroups with different single IP address and that each receiver only receives a single one of those presentation streams – citing paragraphs 0010 and 0051 of Eldering2.

In response to the arguments, the examiner respectfully disagrees. Eldering discloses means for obtaining program-receiving audience profiles or information about the subscriber including public and private data and interrogating set top boxes with unique subscriber Ids (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108, Page 5, paragraph 0079 – collecting data on real time on viewership). Eldering2 discloses the means for broadcasting advertisements transmits multiple advertisements to a same target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047- disclose receivers with IP addresses, Page 6, paragraphs 0073-0074 – disclose a receive receiving all advertisements for cars). In applicant's cited paragraph 0010 of Eldering2 discloses that a particular program stream has one or more targeted advertisements. This

limitation states multiple advertisements are sent to a target IP address. It does not say that multiple target advertisements in one program stream are displayed at the target IP address. Paragraph 0051, discloses broadcasting or sending a plurality of target advertisements to receivers. The examiner would also like to note that paragraphs 0073-0074 were cited which disclose that multiple advertisements are transmitted to the receiver and paragraph 0046-0047 disclose that a receiver has an IP address. The examiner would also like to note that Eldering2 also discloses obtaining audience profiles (Pages 2-3, paragraphs 0034-0037). Eldering2 discloses means for interrogating set top boxes with individual IP addresses as actual viewership or an estimate of current viewership is determined and groups are based on IP address (Page 3, paragraphs 0034-0037, Page 6, paragraph 0074). Eldering discloses receivers and IP addressing (paragraph 0091). Eldering2 discloses receiver with individual IP addresses.

Regarding Claims 20 and 22 (and corresponding dependent claims of Claims 8, 20 and 22), the applicant makes similar arguments to Claim 8. See above response.

4. The applicant states that if Claim 8 or Claim 20 is found allowable, then the applicant will address the double patenting objection.

In response, the examiner notes the objection. The objection will be maintained.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 10, 12, 13 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering et al (US 2004/0148625 and hereafter referred to as "Eldering") in view of Eldering (US 2005/0193410 and hereafter referred to as "Eldering2"), Eldering et al (US 2002/0083443 and hereafter referred to as "Eldering3") and Hermann et al (US 2002/0176391 and hereafter referred to as "Hermann").

Regarding Claim 8, Eldering discloses a system for broadcasting advertisements to an audience which comprises:

means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraph 0038, Page 4, paragraph 0072, Figure 1, 110);

and means for broadcasting advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 114);

wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with unique subscriber ID in order to determine the nature of the programs viewed by the program receiving audience per at

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least one unique subscriber ID (Page 4, paragraph 0065, Page 3, paragraph 0037, Page 4, paragraph 0071, Page 5, paragraph 0079, Figure 1, 108, 110);

the means for broadcasting advertisements operate with means for analyzing viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091, Figure 1, 104). Eldering discloses that sending advertisements to the user via IP addresses (Page 6, paragraph 0091) and means for dictating not only that certain advertisements shall be broadcast (Figure 1, 112, Page 5, paragraphs 0078, 0084). Eldering does not explicitly disclose interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast; and means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot, with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering<sup>2</sup> discloses a system for broadcasting advertisements to an audience which comprises: means for obtaining program-receiving audience

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profiles (Pages 2-3, paragraphs 0034-0037); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 2, paragraph 0034); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with individual IP addresses in order to determine the nature of the programs viewed by the program receiving audience per at least one IP address (Pages 2-3, paragraphs 0034-0036, Page 6, paragraph 0074); the means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and the system further comprises: means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074), the means for broadcasting advertisements transmits multiple advertisements to a same target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering to include interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6, paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3,



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paragraphs 0033-0036, Page 6, paragraph 0074); means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement 'slots', during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074); the means for broadcasting advertisements transmits multiple advertisements to a same target IP address for the same advertisement slot (Page 3, paragraphs 0045-0047,) as taught by Eldering2 in order to present advertisements in an Internet environment for individualized service (Page 2, paragraph 0026) as disclosed by Eldering2.

The combination is silent on with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering3 discloses with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of

some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006) as taught by Eldering3 in order to present the most up to date ads to the viewer.

The combination is silent on the TTL set at a value approaching zero.

In analogous art, Hermann discloses the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026) as taught by Hermann in order to provide a specific value to define expiration so that the expired advertisement will not be displayed.

Regarding Claim 10, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the system uses a bank of advertising campaigns where advertising campaigns are classified by integrating numerically tagged segment codes or based on the selected advertisements, the advertisements are classified by integrating numerical codes or AD1, AD2, AD3 (Figure 10).

Regarding Claim 12, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering3 discloses means for receiving multiple advertisements from a means for broadcasting advertisements (Figure 2, 210, 202) and a mechanism for controlling advertisements by for allowing the play-out of only a portion of the advertisements' broadcast whilst the remaining portion expires (Page 6, paragraphs

0085-0087). Hermann discloses expiration is based on TTL values of each of the advertisements (Page 3, paragraph 0026, Page 2, paragraph 0021).

Regarding Claim 13, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the system stores as the program buyer profile, time of broadcast and nature of broadcast and utilizes an interface between the audience profiles data stored and the further information to select appropriate advertisements (Pages 2-3, paragraphs 0034-0036, Page 4, paragraphs 0065, 0071, Figure 9, Page 5, paragraph 0084).

Regarding Claim 17, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the information identified such as the audience profiles is stored remotely from the viewer/listener receiver units (Figure 1, 108, 100, Page 4, paragraph 0065).

Regarding Claim 18, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses wherein the program receiving audience profiles are based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement targeting purposes (Page 2, paragraph 0034, Page 3, paragraph 0037). Eldering3 discloses Eldering discloses wherein the program receiving audience profiles are based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement targeting purposes (Pages 3-4, paragraph 0045-0047).

Regarding Claim 19, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses the system uses a bank of advertising campaigns or advertisements of advertisers (Page 6, paragraph 0095), the system being configured such that advertising campaign material and/or mainstream broadcast content can be collated or arranged, grouped, managed and coordinated for the purpose of linking the profile groupings to relevant content in order to achieve targeting and personalized delivery of content (Page 3, paragraphs 0039-0045, 0047, 0049, 0050 0052, Page 4, paragraph 0072).

Regarding Claim 20, Eldering discloses a system for broadcasting advertisements to an audience which comprises:

means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108);

means for interrogating set top boxes with unique subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 5, paragraph 0079, Figure 1, 108, 110); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating STBs with unique subscriber IDs in order to determine the nature of the programs viewed by the program receiving audience per at least one unique subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 3, paragraph 0037, Page 5, paragraph 0079);

means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraph 0038, Page 4, paragraph 0072, Figure 1, 110);

and means for broadcasting advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 114);

the means for broadcasting advertisements operate with means for analyzing viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091, Figure 1, 104). Eldering discloses that sending advertisements to the user via IP addresses (Page 6, paragraph 0091). Eldering does not explicitly disclose means interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast; and means for broadcasting advertisements transmits multiple advertisements to a target IP address for the same advertisement slot, with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering<sup>2</sup> discloses a system for broadcasting advertisements to an audience which comprises: means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 2, paragraph 0034); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with individual IP addresses in order to determine the nature of the programs viewed by the program receiving audience per at least one IP address (Pages 2-3, paragraphs 0034-0036, Page 6, paragraph 0074); the means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and the system further comprises: means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074), the means for broadcasting advertisements transmits multiple advertisements to a same target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering to include

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interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6, paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074); the means for broadcasting advertisements transmits multiple advertisements to a same target IP address for the same advertisement slot (Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074) as taught by Eldering2 in order to present advertisements in an Internet environment for individualized service (Page 2, paragraph 0026) as disclosed by Eldering2.

The combination is silent on with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date, the TTL of some of the multiple advertisements set at a value approaching zero so that those advertisement will expire before they can be played out at the target destination.

In analogous art, Eldering3 discloses with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006). Therefore, it would have

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been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include with each advertisement having a Time to Live (TTL) inbuilt expiry mechanism or Ad Expiration Date (Page 5, paragraph 0070), the TTL of some of the multiple advertisements set at a value about to expire so that those advertisement will expire before they can be played out at the target destination (Page 6, paragraph 0085-0087, Page 1, paragraph 0006) as taught by Eldering3 in order to present the most up to date ads to the viewer.

The combination is silent on the TTL set at a value approaching zero.

In analogous art, Hermann discloses the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the TTL set at a value approaching zero (Page 2, paragraph 0021, Page 3, paragraph 0026) as taught by Hermann in order to provide a specific value to define expiration so that the expired advertisement will not be displayed.

Regarding Claim 21, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 20. Eldering and Eldering2 are silent on means for receiving multiple advertisements from a broadcast network and a mechanism for allowing the play-out of only a portion of the advertisements' broadcast while the remaining portion expires Eldering3 discloses means for receiving multiple advertisements from a means for broadcasting advertisements (Figure 2, 210, 202) and a mechanism for allowing the play-out of only a portion of the advertisements' broadcast whilst the remaining portion



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expires (Page 6, paragraphs 0085-0087). Hermann discloses expiration is based on TTL values of each of the advertisements (Page 3, paragraph 0026, Page 2, paragraph 0021).

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Ivanyi (US 6,286,140).

Regarding Claim 9, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses storing data for analysis in a data collector located remotely from the set top boxes (Figure 1, 108, 100, Page 4, paragraph 0065). The combination is silent on the system collects data by using polling pulses. In analogous art, Ivanyi discloses the system collects data by using polling pulses or signals (Column 9, lines 5-13, Column 10, lines 35-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include the system collects data by using polling pulses or signals (Column 9, lines 5-13, Column 10, lines 35-51) as taught by Ivanyi in order to efficiently collect data from a user device for a specific element of information such as polling data (Column 1, lines 28-41) as disclosed by Ivanyi.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Eyer et al (US 2002/0124253 and hereafter referred to as "Eyer").

Regarding Claim 11, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. Eldering discloses a first server for obtaining program-receiving profiles or information about the programs watched (Figure 1, 100, 108, Pages 2-3, paragraph 0034-0036, Page 4, paragraph 0065, 0071). The combination is silent on at least a second server containing tagged advertisements. In analogous art, Eyer discloses at least a second server containing tagged or selected advertisements (Page 2, paragraph 0015, Figure 2, 45, 48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include at least a second server containing tagged or selected advertisements (Page 2, paragraph 0015, Figure 2, 45, 48) as taught by Eyer in order to efficiently use broadcast bandwidth (Page 1, paragraph 0004) as disclosed by Eyer.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Zigmond et al (US 6,698,020 and hereafter referred to as "Zigmond").

Regarding Claim 14, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. The combination is silent on the limitations. The combination is silent on allowing the audience to interact during an advertisement, means which store data as part of the audience profile to record any such interaction and means which may be set to trigger the release of further similarly classified advertisements to the audience. Zigmond discloses allowing the audience to interact during an advertisement (Column 9, lines 21-55, Column 16, lines 57-67, Column 17, lines 1-9), means which

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store data as part of the audience profile to record any such interaction (Column 9, lines 21-55, Column 11, lines 13-30, Column 7, lines 50-65) and means which may be set to trigger the release of further similarly classified advertisements to the audience or advertisements of a subject which match the viewer and system information which includes interaction information (Column 9, lines 21-37, Column 13, lines 48-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination allowing the audience to interact during an advertisement (Column 9, lines 21-55, Column 16, lines 57-67, Column 17, lines 1-9), means which store data as part of the audience profile to record any such interaction (Column 9, lines 21-55, Column 11, lines 13-30, Column 7, lines 50-65) and means which may be set to trigger the release of further similarly classified advertisements to the audience or advertisements of a subject which match the viewer and system information which includes interaction information (Column 9, lines 21-37, Column 13, lines 48-57) as taught by Zigmond in order to allow advertisers to monitor business activity before, during and after an advertising campaign (Column 3, lines 50-54) as disclosed by Zigmond.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2, Eldering3 and Hermann as applied to claim 8 above, and further in view of Srinivasan et al (US 2002/0038455 and hereafter referred to as "Srinivasan").

Regarding Claim 15, Eldering, Eldering2, Eldering3 and Hermann disclose all the limitations of Claim 8. The combination is silent on during a given broadcast with a

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plurality of advertisement breaks, the system is adapted to record for an individual audience the series of advertisements delivered during an initial break and then adjust the content of the following series of advertisements delivered during a subsequent break. In analogous art, Srinivasan discloses during a given broadcast with a plurality of advertisement breaks (Page 5, paragraphs 0061-0063), the system is adapted to record for an individual audience the series of advertisements delivered during an initial break (Figures 16-18, Page 6, paragraphs 0074-0076) and then adjust the content of the following series of advertisements delivered during a subsequent break (Figures 16-18, Pages 5-6, paragraphs 0069-0070, 0073). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination during a given broadcast with a plurality of advertisement breaks (Page 5, paragraphs 0061-0063), the system is adapted to record for an individual audience the series of advertisements delivered during an initial break (Figures 16-18, Page 6, paragraphs 0074-0076) and then adjust the content of the following series of advertisements delivered during a subsequent break (Figures 16-18, Pages 5-6, paragraphs 0069-0070, 0073) as taught by Srinivasan in order to allow system operators to provide advertisements to viewers for the time allotted for each break and to mix and match commercials based on this time for each demographic group (Pages 5-6, paragraphs 0068-0070) as disclosed by Srinivasan.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering<sup>2</sup>, Eldering<sup>3</sup> and Hermann as applied to claim 8 above, and further in

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view of Zigmond and DePietro (US 2004/0111741 and hereafter referred to as “Depietro”).

Regarding Claim 16, Eldering, Eldering<sup>2</sup>, Eldering<sup>3</sup> and Hermann disclose all the limitations of Claim 8. The combination is silent on the limitations. Zigmond discloses during a given broadcast on a given channel with a plurality of advertisement breaks (Figures 2A-B). Zigmond discloses that the system is adapted to record for an individual audience whether the viewer switches to another channel during the break (Column 9, lines 21-35, Column 7, lines 50-65) and that advertisements are tailored to the channel and content displayed on a channel (Column 10, lines 64-67, Column 11, lines 1-3, Column 12, lines 60-67, Column 13, lines 1-5) and to correspond to the audience in question (Column 13, lines 48-58). Zigmond is silent on means to calculate which channel he/she is likely to switch to and what is the most probable channel. Depietro discloses calculating the channel the audience is likely to switch to and what must be the most probable channel (Page 3, paragraphs 0038-0039).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to during a given broadcast on a given channel with a plurality of advertisement breaks (Figures 2A-B), the system is adapted to record for an individual audience whether the viewer switches to another channel during the break (Column 9, lines 21-35, Column 7, lines 50-65) and that advertisements are tailored to the channel and content displayed on a channel (Column 10, lines 64-67, Column 11, lines 1-3, Column 12, lines 60-67, Column 13, lines 1-5) and to correspond to the audience in question (Column 13, lines 48-58) as taught by

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Zigmond in order to allow advertisers to monitor business activity before, during and after an advertising campaign (Column 3, lines 50-54) as disclosed by Zigmond.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include calculating the channel the audience is likely to switch to and what must be the most probable channel (Page 3, paragraphs 0038-0039) as taught by Depietro in order to save on cost for receiving and processing every digital channel when simply predicting channel surfing behavior would eliminate delay (Page 1, paragraph 0010) as disclosed by Depietro.

12. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering in view of Eldering2.

Regarding Claim 22, Eldering discloses a system for broadcasting advertisements to an audience which comprises:

means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037, Page 4, paragraph 0071, Figure 1, 108);

means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 3, paragraphs 0037, 0038, Page 4, paragraph 0072, Figure 1, 110);

and means for broadcasting advertisements dependent upon target audience profiles and program-receiving audience profiles (Figure 10, Page 5, paragraph 0078, Page 6, paragraph 0089-0091, Figure 1, 112);

the program receiving audience profiles being based on an analysis of individual audience member's viewing habits over a period of time and subsequent build up of these profiles into clusters of interest groups for content and advertisement targeting purposes (Page 2, paragraph 0034, Page 3, paragraph 0037, Page 4, paragraph 0071, Figure 1, 108)

wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with unique subscriber ID in order to determine the nature of the programs viewed by the program receiving audience per at least one unique subscriber ID (Page 4, paragraph 0065, Page 3, paragraph 0037, Page 4, paragraph 0071, Page 5, paragraph 0079, Figure 1, 108, 110);

the means for broadcasting advertisements operate with means for analyzing viewer habits for particular subscriber IDs in order to generate a program-receiving audience profile for at least one subscriber ID (Page 4, paragraph 0065, Page 4, paragraph 0071, Page 6, paragraph 0091). Eldering discloses that sending advertisements to the user via IP addresses (Page 6, paragraph 0091), means for dictating not only that certain advertisements shall be broadcast (Figure 1, 112, Page 5, paragraphs 0078, 0084). Eldering does not explicitly disclose interrogating a subscriber with individual IP address, analyzing viewer habits for particular IP addresses; means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program receiving audience profile for at least one IP address; means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may

receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast.

In analogous art, Eldering2 discloses a system for broadcasting advertisements to an audience which comprises: means for obtaining program-receiving audience profiles (Pages 2-3, paragraphs 0034-0037); means for matching a given advertisement's target audience profile to a given program-receiving audience profile (Page 2, paragraph 0034); wherein: the means for obtaining program-receiving audience profiles operate with means for interrogating set top boxes with individual IP addresses in order to determine the nature of the programs viewed by the program receiving audience per at least one IP address (Page 3, paragraph 0036, Page 6, paragraph 0074); the means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); and means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074), the means for broadcasting advertisements transmits multiple advertisements to a same target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074). Therefore, it would have been



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obvious to one of ordinary skill in the art at the time the invention was made to modify Eldering to include interrogating a subscriber with individual IP address (Page 3, paragraph 0036, Page 6, paragraph 0074) analyzing viewer habits for particular IP addresses (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); means for broadcasting advertisements operate with means for analyzing viewer habits for particular IP addresses in order to generate a program-receiving audience profile or characteristics for at least one IP address (Pages 2-3, paragraphs 0033-0036, Page 6, paragraph 0074); means for dictating not only that certain advertisements shall be broadcast but also that certain IP addresses within the program-receiving audience may receive one advertisement, whilst other IP addresses receive a different advertisement, in at least one of the same respective advertisement `slots`, during the same broadcast (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 4, paragraph 0054, Page 6, paragraphs 0073-0074); the means for broadcasting advertisements transmits multiple advertisements to a same target IP address for the same advertisement slot (Page 1, paragraphs 0010-0011, Page 3, paragraphs 0045-0047, Page 6, paragraphs 0073-0074) as taught by Eldering<sup>2</sup> in order to present advertisements in an Internet environment for individualized service (Page 2, paragraph 0026) as disclosed by Eldering<sup>2</sup>.

Regarding Claim 23, Eldering and Eldering<sup>2</sup> disclose all the limitations of Claim 22. Eldering discloses the system uses a bank of advertising campaigns or advertisements of advertisers (Page 6, paragraph 0095), the system being configured such that advertising campaign material and/or mainstream broadcast content can be

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collated or arranged, grouped, managed and coordinated for the purpose of linking the profile groupings to relevant content in order to achieve targeting and personalized delivery of content (Page 3, paragraphs 0039-0045, 0047, 0049, 0050 0052, Page 4, paragraph 0072).

### ***Double Patenting***

13. Applicant is advised that should claim 8 be found allowable, claim 20 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Mondays and Wednesdays, 8:00 am to 1:00 pm, Tuesdays, Thursdays and Friday 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FARZANA HOSSAIN/  
Primary Examiner, Art Unit 2424

October 25, 2010